

STATE OF TEXAS §
COUNTIES OF ARANSAS §
SAN PATRICIO AND NUECES §
CITY OF ARANSAS PASS §

On this the 17th day of January, 2006 the City Council of the City of Aransas Pass convened in a Regular Council Meeting being open to the Public at the regular meeting place thereof in the City Hall and notice of said meeting giving the time, place, date and subject hereof having been posted and prescribed by Chapter 551 of the Texas Government Code with the following attendance to wit constituting a quorum.

PRESENT	JESUS GALVAN, DOROTHY ROBERTS, FRANK HAMETNER, GRACE CHAPA, JAY ATTAWAY,	Mayor Mayor Pro Tempore Councilmember Councilmember Councilmember
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ABSENT: None

ADMINISTRATIVE PERSONNEL PRESENT:	Scott Thompson, Allen Lawrence, Karen Mayer, Ada Owens,	City Manager City Attorney City Secretary Asst. City Secretary
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ADMINISTRATIVE
PERSONNEL ABSENT: None.

STAFF PRESENT:	Darren Gurley, C. M. Sullinger, Gilbert Ritz,	Director of Public Works Municipal Court Judge Fire Chief
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OTHERS PRESENT: Don and Jeanie Brummett, Eva Young, Nancy Allen, Belinda Ritz, Don Williams, Ken Jones, R. W. Taylor, Jerry Wellman, Dennis Lemon, Earl Buckmaster, C. Overturf, Hope Comingore, Capt. Fred Comingore, Bob Wright, Wilma Anderson, Jerry Anderson, M. Rimer, Harlen Roberts, Scott Kingley, Ernie Torres, Karl Lovett, Irene Ivey, Robert Adani, Pam Benson, Beraor Brunson, Jerry Brundrett, Jeannette Kindervater, Eric Kindervater, Jimmy Vincent, Marsha Wellman, Margaret Garrett, Pat Billman, Ealton, Minviel, Henry Neuman, Robert Gonзалes, Beth Wilson, C. C. Caller, Lisa Burgess, The Herald, Carol Munroe, Aransas Pass Progress.

(There may have been others present who did not sign in).

ITEM 1. **CALL MEETING TO ORDER.**

Mayor Galvan called the Meeting to Order at 7:00 P.M. on January 17, 2006.

ITEM 2. **INVOCATION AND PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG AND THE TEXAS FLAG.**

Councilmember Hametner gave the Invocation.

Councilmember Chapa led the Pledge of Allegiance to the United States Flag and the Texas Flag.

ITEM 4. **CONSENT AGENDA – “All of the Following items on the Consent Agenda are considered to be routine by the City Council and will be enacted with one motion. There will be no separate discussion of these items unless a Councilmember so requests. If discussion is desired that item will be removed from the Consent Agenda and will be considered separately”.**

A. Approval of Minutes of a Regular Meeting of January 3, 2006

Councilmember Chapa made the motion to approve the minutes of the Regular Meeting of January 3, 2006. There was a second by Councilmember Hametner and the motion carried.

ITEM 5. **BRIEFING ON MAYOR’S ADVISORY COMMITTEE.**

Mrs. Nancy Allen, Chairman of the Mayor’s Advisory Committee, stated that this Committee has a great working relationship. It is a diverse

group of property owners involved in different businesses. At this time Ms. Allen introduced the Mayor's Advisory Committee Members:

Nancy Allen, Chairman	Rudy Abrego, Vice Chairman
Pam Benson, Secretary	Pat Billman
Brenda McElwee	Kathy Brown
Capt. Fred Comingore	Laura Simank (Board Liaison)

Ms. Allen stated that the Mayor's Advisory Board has been meeting since October, 2005 and has accomplished quite a few things. The board has broken into several committees focusing on Beautification, Parks and Recreation and Community Relations/Revitalization.

Ms. Allen stated that the Mayor's Advisory Committee will be holding a workshop meeting on January 24, 2006 at Compton Hall and invited everyone to attend to learn more about the Mayor's Advisory Committee and to get involved in these committee's. On February 11, 2006 the Mayor's Advisory Committee will hold their first CLEAN ARANSAS PASS DAY for 2006 and any help will be appreciated. A Household Hazardous Waste Day will be scheduled in April giving the City the appropriate time to make an application with the State.

Ms. Allen stated that the Mayor's Advisory Committee's main focus is to Clean Aransas Pass and the City is working hard to clean it up. With the entire community working together to bring back pride, we are going forward to make Aransas Pass a destination, not merely a pass.

ITEM 7.

PUBLIC HEARING ON REQUEST OF MICHAEL AND GWENLAN SULLINGER TO REPLAT OUTLOT 42, TRACT 8, 1600 BLOCK OF W. JOHNSON AVE., BURTON AND DANFORTH SUBDIVISION. THE PROPERTY IS ZONED RESIDENTIAL (R-16) DISTRICT.

City Attorney declared the Public Hearing open at 7:06 p.m. on the request of Michael and Gwenlan Sullinger to Replat Outlot 42, Tract 8, 1600 Block of W. Johnson Ave.

Mr. Jerry Brundrett, representing Michael and Gwenlan Sullinger stated that this is a simple standard replat splitting Tract 8 into Lot 8-A, 8-B and 8-C.

Mr. Brundrett asked if the Council had any questions?

There were no questions.

City Attorney asked if there was anyone present opposed to the replat?

There were no comments.

City Attorney declared the Public Hearing closed at 7:07 p.m.

ITEM 8.

CONSIDER AND ACT ON ON REQUEST OF MICHAEL AND GWENLAN SULLINGER TO REPLAT OUTLOT 42, TRACT 8, 1600 BLOCK OF W. JOHNSON AVE., BURTON AND DANFORTH SUBDIVISION. THE PROPERTY IS ZONED RESIDENTIAL (R-16) DISTRICT.

Mayor Pro Tempore Roberts made the motion to approve the request of Michael and Gwenlan Sullinger to replat outlot 42, Tract 8, into Lots 8-A, 8-B and 8-C. There was a second by Councilmember Attaway and the motion carried.

ITEM 9.

PUBLIC HEARING ON REQUEST OF JERRY AND PAM BENSON FOR A CONDITIONAL USE PERMIT TO PLACE AN RV ON THEIR PROPERTY, BLOCK 540, LOT 7 & 8, 817 N. COMMERCIAL, TO ALLOW MR. BENSON'S MOTHER TO LIVE ON THE PROPERTY FOR SIX (6) TO TWELVE (12) MONTHS. MR. AND MRS. BENSON HAVE STRONG CONCERNS REGARDING THE MOTHER'S SAFETY AS WELL AS HER HEALTH PROBLEMS.

City Attorney declared the Public Hearing open at 7:08 p.m. on the request of Jerry and Pam Benson for a conditional use permit to place an RV on their property, Block 540, Lot 7 & 8, 817 N. Commercial to allow Mr. Benson's mother to live on the property for six to twelve months.

Mr. Frank Truitt, Inspection Department, stated that the Planning and Zoning Commission met on January 9, 2006 and approved the conditional use permit for Mr. and Mrs. Benson's for a period of six months.

Mrs. Pam Benson stated that her mother-in-law is re-locating from the New Orleans area and needs a place to stay while she looks for a house.

City Attorney asked if there were health issues relating to the conditional use permit?

Ms. Benson stated yes that her mother-in-law has high blood pressure, thyroid problems and foot problems and wanted to be close to family.

City Attorney asked if the Council had any questions or comments?

Councilmember Chapa asked if six months would be long enough?

Ms. Benson stated it should be. The only concern that she has is that the Planning and Zoning Commission wants them to remove the RV from the property when her mother-in-law finds a place to live. They would like to move it to the corner of the property and have everything disconnected.

City Attorney stated leaving a trailer on the property is in violation of the Zoning Ordinance.

City Attorney stated that the Planning and Zoning Commission recommended that should Ms. Benson's mother-in-law acquire housing prior to the six-month period that the RV is moved off the property.

City Attorney asked if there were any other questions or comments?

There were none.

City Attorney asked if there was anyone opposed to the application?

There were no comments.

City Attorney declared the Public Hearing closed at 7:10 p.m. and recommended the adoption of the recommendation of the Planning and Zoning Commission.

ITEM 10.

CONSIDER AND ACT ON REQUEST OF JERRY AND PAM BENSON FOR A CONDITIONAL USE PERMIT TO PLACE AN RV ON THEIR PROPERTY, BLOCK 540, LOT 7 & 8, 817 N. COMMERCIAL, TO ALLOW MR. BENSON'S MOTHER TO LIVE ON THE PROPERTY FOR SIX (6) TO TWELVE (12) MONTHS. MR. AND MRS. BENSON HAVE STRONG CONCERNS REGARDING THE MOTHER'S SAFETY AS WELL AS HER HEALTH PROBLEMS.

Councilmember Chapa made the motion to approve the conditional use permit for Jerry and Pam Benson for a period of six months to place a RV on their property, Block 540, Lot 7 & 8, 817 N. Commercial. There was a second by Councilmember Hametner and the motion carried.

ITEM 11.

PUBLIC HEARING ON REQUEST OF IRON GATOR GOLF CLUB AND DEVELOPMENT TO REPLAT AND REZONE A PORTION OF FARMLOT ONE (1), ALL OF FARMLOT TWO (2), LAND BLOCK FIVE (5) AND A PORTION OF FARMLOT ONE (1) ALL OF FARMLOT TWO (2), LAND BLOCK SIX (6) T. P. MCCAMPBELL SUBDIVISION, CITY OF ARANSAS PASS, ARANSAS AND SAN PATRICIO COUNTIES, IRON GATOR INCORPORATED REQUEST IS TO REPLAT AND REZONE FRONTAGE ACREAGE FOR PLANNED DEVELOPMENT ALONG THE HWY 35 BYPASS.

City Attorney declared the Public Hearing open at 7:11 on the request of Iron Gator Golf Club and Development to replat and rezone a portion of Farmlot one, all of Farmlot two, Landblock five and a portion of Farmlot one, all of Farmlot two, Landblock six.

Mr. Jerry Brundrett, representing Iron Gator, stated this is a request on the first phase of Iron Gator's Planned Unit Development. The Phase I plat is to create some commercial tracts that front on Hwy 35 relief route. This property was annexed into the City Limits of Aransas Pass in December, 2005 so the City has jurisdiction over the property and Iron Gator is requesting a replat and rezoning change to allow for commercial tracts.

Mr. Brundrett stated that the tracts are approximately one-acre tracts fronting on Hwy 35. There is a larger Commercial tract that might be a hotel or some other commercial use. As Iron Gator develops their final plans on the rest of their property, which will also be annexed into the City. There is going to be great things happening on the Hwy 35 bypass for San Patricio County and Aransas County.

City Attorney stated that when the property was annexed into the City Limits of Aransas Pass, the property is zoned AG. Iron Gator is requesting that the property be zoned Planned Unit Development.

City Attorney asked Mr. Truitt did the Planning and Zoning Commission approved the replat and the rezoning?

Mr. Truitt stated that the Planning and Zoning Commission approved both, rezoning and the replat.

City Attorney asked if the Council had any questions or comments?

There were none.

City Attorney asked if there was anyone present opposed to the application for the replat or rezoning?

There were none.

City Attorney declared the Public Hearing closed at 7:15 p.m.

ITEM 12.

CONSIDER AND ACT ON REQUEST OF IRON GATOR GOLF CLUB AND DEVELOPMENT TO REPLAT AND REZONE A PORTION OF FARMLOT ONE (1), ALL OF FARMLOT TWO (2), LAND BLOCK FIVE (5) AND A PORTION OF FARMLOT ONE (1) ALL OF FARMLOT TWO (2), LAND BLOCK SIX (6) T. P. MCCAMPBELL SUBDIVISION, CITY OF ARANSAS PASS, ARANSAS AND SAN PATRICIO COUNTIES, IRON GATOR INCORPORATED REQUEST IS TO REPLAT AND REZONE FRONTAGE ACREAGE FOR PLANNED DEVELOPMENT ALONG THE HWY 35 BYPASS.

Councilmember Hametner made the motion to approve the request of Iron Gator Golf Club and Development to replat said property as stated in Item 12 and to rezone the property from AG to Planned Unit Development. There was a second by Mayor Pro Tempore Roberts and the motion carried.

ITEM 13.

CONSIDER AND ACT ON REQUEST OF ROBERT ADAMI, TEXAS PARKS AND WILDLIFE, TO USE CONN BROWN HARBOR FOR A SOUTHERN FLOUNDER TOURNAMENT ON NOVEMBER 4, 2006.

Mr. Robert Adami stated that the Texas Parks and Wildlife Department is conducting a series of fishing tournaments to collect spotted sea trout and southern flounder and would like to use Conn Brown Harbor on November 4, 2006 for a southern flounder tournament from 6:00 a.m. until noon.

City Manager stated there is no problem with the Texas Parks and Wildlife Department using Conn Brown Harbor and in fact the City encourages the use of the harbor.

Mayor Pro Tempore Roberts made the motion to grant the request of the Texas Parks and Wildlife Department to use the facilities at Conn Brown Harbor on November 4, 2006 for a southern flounder tournament. There was a second by Councilmember Hametner and the motion carried.

ITEM 16.

CONSIDERATION AND APPROVAL OF A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF ARANSAS PASS, TEXAS

AUTHORIZING AND APPROVING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION; COMPLY WITH THE REQUIREMENTS CONTAINED IN SECURITIES AND EXCHANGE COMMISSION RULE 15c2-12; AND PROVIDING AN EFFECTIVE DATE.

City Manager stated that Resolution 2006-547 is the Certificate of Obligation issue that Mr. Mark McLiney of Southwest Securities spoke to the Council about at the Council Meeting of January 3, 2006. The Notice of Intention is to issue up to \$1 million dollars in bonds. The City needs \$500,000.00 to complete the Lift Station Project that has already been submitted. If the Council decides to add another \$500,000.00 to the project, the cost would be approximately \$25,000.00 per year.

City Manager stated that at the Council Meeting of January 3, 2006 concerning the bond issue, Councilmember Hametner ask that a list be prepared of all capital improvements project that the City might be able to utilize the additional \$500,000.00 with. The list has been prepared and before the Council. The City can use these funds and is something that the Council should take a closer look at. The amount is not a decision that needs to be made tonight, but made within the next few weeks. The decision tonight is to pass the Resolution for the Notice of Intention to issue Certificates of Obligation Bonds up to \$1 million dollars. He is advising Council to go ahead and approve this issue.

Mayor Galvan asked if the Council had any questions?

Councilmember Attaway stated is he correct in saying that the Council is not setting a fixed amount tonight at the meeting?

City Manager stated no.

Mayor Pro Tempore Roberts made the motion to approve Resolution 2006-547 and approve the publication of Notice of Intention to issue Certificates of Obligation. There was a second by Councilmember Chapa and the motion carried.

Caption as follows:

RESOLUTION 2006-547

CONSIDERATION AND APPROVAL OF A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF ARANSAS PASS, TEXAS AUTHORIZING AND APPROVING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION; COMPLY WITH THE REQUIREMENTS CONTAINED IN SECURITIES AND EXCHANGE COMMISSION RULE 15c2-12; AND PROVIDING AN EFFECTIVE DATE.

ITEM 17.

CONSIDER AND ACT ON TAKING BIDS FOR WRECKER SERVICE FOR THE ARANSAS PASS POLICE DEPARTMENT.

City Manager stated a Councilmember placed this item on the agenda and if Council approves the change then the City would send out specifications etc.

Councilmember Attaway stated in the past the City has been handling wrecker service calls on a rotational bases is that correct?

City Manager stated the City is still handling the wrecker service calls on rotational bases.

Mayor Pro Tempore Robert asked does the rotation bases work well?

City Manager stated there have been some issues, but for the most part it works fairly well.

Councilmember Hametner stated why doesn't the City continue what they have been doing.

Mayor Galvan stated he has received plenty of calls saying this is not right and the rotation is not being met. He asked for this agenda item to be placed on the agenda so it could be discussed. Does the Council want to continue with the rotation system or go out for bids?

Councilmember Attaway asked the Police Chief Mr. Darrell Jones, how the rotation system has been working out?

Mr. Darrell Jones, Police Chief, stated he does not have any issues with the rotation service. There are four wrecker companies in the City and they are all on a rotation schedule. The only time a wrecker service is skipped for a call is when the wrecker service makes a determination if they are out of town or out of service.

Mayor Pro Tempore Roberts asked if all four-wrecker companies meet the City's requirements?

Police Chief Jones stated yes.

Mayor Galvan asked if a running log was kept?

Police Chief Jones stated yes. Everything is computerized.

Councilmember Attaway asked if the wreckers companies do comp calls for the City?

Police Chief Jones stated yes the wrecker companies do provide service for the City and they do not lose their place in the rotation.

Councilmember Attaway stated he does not know why the City cannot continue the way they are doing at the present time.

Mayor Galvan asked Police Jones if a wrecker company felt like they were been passed over, who is the contact person in this matter?

Police Chief Jones stated he is the contact person.

Mayor Galvan stated there is not action needed.

ITEM18.

CONSIDER AND ACT ON ELECTION SERVICE CONTRACT BETWEEN THE CITY OF ARANSAS PASS, ARANSAS PASS INDEPENDENT SCHOOL DISTRICT AND SAN PATRICIO COUNTY ELECTIONS ADMINISTRATION.

Ms. Karen Mayer, City Secretary stated at the Council Meeting of August 22, 2005, she informed the City Council because of the Help America Vote Act Level Machine could not be used after January 1, 2006. During that meeting the City Council voted to allow the San Patricio County Administration Office to conduct the City's election for 2006 plus work with the Aransas Pass Independent School District to hold a joint election. The School District will hold a joint election with the City. The new voting location is 704 W. Yoakum (Compton Hall). The City's cost to San Patricio County for conducting the election is approximately \$2,000.00.

Ms. Mayer stated before the City Council is the Election Service Contract between the City of Aransas Pass, Aransas Pass Independent School District and the San Patricio County Elections Administration.

Councilmember Chapa made the motion to approve the Election Service Contract between the City of Aransas Pass, Aransas Pass Independent School District and San Patricio County Elections Administration. There was a second by Mayor Pro Tempore Roberts and the motion carried.

ITEM 19.

CONSIDER AND ACT ON RESIGNATION OF MR. RAM GARCIA FROM THE PLANNING AND ZONING COMMISSION AND ADVERTISE FOR REPLACEMENT.

Mayor Galvan stated before the Council is the resignation of Mr. Ram Garcia from the Planning and Zoning Commission. He is recommending that a notice be placed in the Aransas Pass Progress for any interested citizen, who would like to serve on this Commission, can

pick up an application from the City Secretary and bring this item back to the Council on February 20, 2006

Mayor Pro Tempore made the motion to accept the resignation of Mr. Ram Garcia from the Planning and Zoning Commission and place a notice in the Aransas Pass Progress for any one interested in serving on this Commission. There was a second by Councilmember Hametner and the motion carried.

ITEM 3.

CITIZENS COMMENTS – *“At this time, comments will be taken from the audience on any subject matter that is not on the agenda. In accordance with the Open Meetings Act, Council may not discuss or take action on any item which has not been posted on the agenda”.*

Mr. Ken Jones and Mr. Robert Taylor, winter Texan from Michigan, both stated that they would like to say THANK YOU for restoring the flat lands the way they should be on Hwy 361 going to Port Aransas. Everyone did a great job cleaning up the junk, trailers and vehicles.

Councilmember Hametner stated what he would like to do is read into the minutes a letter that he received from Mr. Stan Johnson, Marina International. He is very disappointed that a premier developer, in the State of Texas with special expertise in Marinas, is not going to submit a bid at the present time to the City of Aransas Pass to develop the City's marina. Letter as follows:

Mr. Thompson,

This e-mail is to ask that you or the City Secretary notify the City Council of our regrets, and inform them that we will not be submitting a proposal for the development of Conn Brown Harbor at this time and should be removed from the agenda for the City Council meeting scheduled for Jan. 17th, 2006.

When I met with you in December with two of the City Council members we scheduled January 16, 2006 for our company to make a presentation to the full Council. I told you at that time that I would not be back in Dallas until the 9th of January, so the 16th was chosen. About a week ago I found out that you put us on the agenda for the previous meeting without consulting us or giving us any notice. I have voicemail on every number I use and my email is delivered to every location I am at either by VPN or my personal handheld device. No messages were received from you at anytime during this period.

Having been one of the two finalists previously under a previous City Manager and Mayor of Aransas Pass, and watching the bid go to a developer that had never done a marina and subsequently seeing nothing come of it; we did not want this to be a futile waste of time and money on our part, pursuing the professional development of your harbor and the surrounding areas. You assured us that you wanted the marina developed and managed in a professional manner that would bring the best return to the City while requiring the least amount of investment by the City.

As you know, our proposition called for the City to put in no investment whatsoever (we were to fund all improvements and infrastructure, including the marina) but to receive 40% of all the profits on the total development. This committed us to millions of dollars of investment in the harbor and surrounding neighborhoods to make our overall plan of bringing an upscale resort hotel with activity center and golf course, condominiums, houses, and a boardwalk complete with upscale shopping and restaurant.

However, none of this is possible without a cooperative, business friendly environment and the full support of the City Council and its City Manager and staff. In our opinion, the level of enthusiasm and support among the Council, City Manager and Mayor is not sufficient to warrant our company spending any more effort and money at this time pursuing a project that does not seem to have the support of all those involved.

You have asked us, as one of the premier Marina owners and developers in the country, to submit bid against people that have no experience in building, operating or even managing marinas and yet apparently wish to present us in an unfavorable light by scheduling us to appear at a City Council meeting without letting us know, at a time

you knew we would be out of town. In fact, we would not have even known about the bid process were it not for some of your citizens that remembered us from the City's previous failed attempt to get the harbor developed. As it was, I had to call you at the last moment to get in the process, even though we talked about the harbor when you 1st came to Aransas Pass.

If the political climate changes, so as to welcome a professional approach to developing your beautiful harbor, we would be very interested in working with the citizens of Aransas Pass through their elected officials and the city staff to bring a world class marina to the Coastal Bend area of our great state. Until then, I remain

Cordially,

*J. Stan Johnson
Marinas International
11226 Indian Trail – Suite 200
Dallas, TX 75229
(972) 406-5213 Direct
(972) 406-5221 Fax*

Mrs. Margaret Garrett, 159 N. 13th Street, stated on behalf of the South Texas Commercial Fishers, Conn Brown Harbor Industry, Harbor Shrimp Company and The Texas Shrimp Association, would like to inform the Council and residents of Aransas Pass that the Blessing of the Fleet will be held on May 13, 2006 at Conn Brown Harbor. Special guest will be members of the legislature, Coast Guard, Texas Parks and Wildlife, National Marine Fisheries and members of the Naval Air Station.

At this time Ms. Garrett presented flowers to Mayor Pro Tempore Roberts, Councilmember Chapa and City Secretary Karen Mayer from the Sisters in Leadership and the Women in Business in Texas.

Ms. Garrett invited the City Manager to visit Harbor Shrimp Company.

Mayor Pro Tempore Roberts thanked Ms. Garrett for the flowers and stated that Ms. Garrett is a strong supporter as well as one of the City's best critics. The City needs good healthy criticism. (The City does not need politics that are involved.) Dirty politics are no fun.

Mayor Pro Tempore Roberts made a quote from Theodore Roosevelt: *"It's not the critic that should get the praise, but it is the man or woman who is in battle. The man or woman who has the decision's that they have to make. Sometimes right, sometimes wrong."* The Council needs the support.

Mayor Galvan stated each Councilmember setting on the bench gets criticized. The Council is trying to move the City forward and all the surrounding Cities have grown except Aransas Pass. The City will never grow because people want to put the City at a standstill. City staff goes out trying to get the citizens to clean up their yards, demolish sub-standing building and the Council is trying to clean up the City and all the Council hears is grief.

Mayor Galvan stated he has been on the bench for five years and yet the people are willing to criticize everything that the Council is doing wrong. These people are the ones that are never seen at election time, they don't cast a vote or they don't try to run for one of the Council positions. These seats are available.

Mayor Galvan stated citizens needs to set their sets and run for election and try to make a change, if they don't have anything nice to say don't say anything at all. This is his opinion and a lot of people are full of opinions. The City has an election coming up in May and he would like to see how many citizens put their name in to run.

Mayor Galvan stated if Mr. Stan Johnson chose to pull out of the Marina project that is his choice, but if I was him I would not do it. The Council is looking to choose a developer next month. The Council has to move the City forward.

Mayor Pro Tempore Roberts stated that Mr. Stan Johnson was on the Council Agenda for tonight and Mr. Johnson was notified.

ITEM 14.

PRESENTATION BY MR. DUKE EATON, THE DUKE CORPORATION/HEAVENLY HERO FOUNDATION TO PRESENT CONCEPTS AND PLANS FOR DEVELOPMENT OF CONN BROWN HARBOR.

Mr. Duke Eaton stated the Mayor made a speech about dedication and loyalty for government service and he would like to thank the Mayor, Mayor Pro Tempore Robert and the City Manager for having meetings with him. They treated him with great kindness.

Mr. Eaton presented the Mayor, Councilmembers, City Manager and City Attorney documentation pertaining to his plans for Conn Brown Harbor

Mr. Eaton stated he is a son of a shrimper and lost Anchor Shrimp in a hostile corporate take over on February 1, 1989. He has been on a quest every since to aquire it. That is important to him. Owing a fish house is not a winning proposition any longer. In the project book the Council will see what his plans have not been developed in the last few months, this is long term. His plans have been documented since 2000. In his meetings with the Mayor, Mayor Pro Tempore Roberts and the City Manager he informed them that he has been approved for a grant, but he does not know yet if he meets the Council's timetable for a decision. It is day by day, the funding is imminent.

Mr. Eaton stated he is the founder and President of the Duke Corporation and the Heaven's Heroes Foundation. He is one of five companies that belong to mid Atlantic project 2001. The Heavens Hero's Organization has been authorized to receive a grant for \$100 million that would be put into an endowment trust with interest from that to take care of Conn Brown Harbor and all of his development thereof.

Mr. Eaton stated there are five trust divisions within the foundation designed to provide internal guidance, and for organizational purposes only. The trust divisions are not separate legal entities. Each trust division has distinct areas of interests and they are:

Siloam Springs Land Trust

- Rockport Sea Fund Park Development
- Public fun/theme parks
- Supporting National Geographic Society

Rockport Sea Interest Trust

- Developing marine resource management programs with blessings of Texas Parks and Wildlife and National Marine Fisheries.
- Developing marine sound wave instruments helpful within the seafood industry and safe for sea life
- Trash collecting, compacting and disposal system
- Aquariums

USA/World Health, Home, Education Trust

- New facilities and upgrades for youth schools
- College scholarships
- Urban renewal program
- Affordable housing with refurbishing teams

Loving Heart Trust

- Red Cross
- Little League
- Scouting programs
- Women's shelter

Quest Business Trust

- Create to enhance and support efforts of the Duke Corp. for business acquisitions, convert to principles o ownership and profit sharing for all and to provide a

continuous funding for the charity and humanitarian efforts of Heaven's Heroes Foundation

Ownership/Profit-Sharing Outline
(Work in Progress)

This would be for every shrimper, every deckhand whether they are with him in the future or if they were with him at Anchor Shrimp Company will be granted a share of stock and will share in the entire net profit of all The Duke Corp. business interest.

100 % Net Profit:

25 % to Heaven's Heroes Foundation
25% to Expansion, Upgrades, Maintenance
25% to Employees (Staff)
 8% Staff dividends
 8% Staff Salary Upgrades
 9% Staff Benefits
25% to Shareholders
 15% Majority Shareholder
 10% Shareholder

Mr. Eaton stated that the Duke Corp./Heaven's Heroes Foundation project in Aransas Pass includes various business and humanitarian interests for Conn Brown Harbor, lands and adjacent to the harbor, other locations within the City Limits and land which borders the City Limits. Three hundred fifty permanent full time jobs will be created during the first years of operation. Companies participating on this project are:

Aquamarine Hydroponics or Commodity Dynamics will build a hydroponics farm.
Aquamarine Farms Inc. will build an indoor aquaculture farm.
Marco Alternative Fuels will build an ethanol plant
Farmland Power and Light Inc. will build a methane gas plant

WITHIN CONN BROWN HARBOR:

First Phase:

1. Existing companies will be respected and not forced out. All business will be provided with funds (at no cost to them) to beautify and landscape their facilities. There are four sites of interest for acquisition.
2. All utilities will be underground and all streets will have curbs/gutters/sidewalks and be hot mix asphalt.
3. (Not actually in harbor) Acquire, clean up, rehabilitate, and start up the former Coastal Freezing/Gulf King seafood processing plant at 230 E. Maddox and Gulfway plant at 1414 N. Commercial.
4. Extensive new docking for gulf shrimp trawler fleet.
5. SE corner of Huff and Bigelow streets is possible site for the big shrimp and for "welcome to Conn Brown Harbor".
6. At Wilson Street and harbor seawall will be a Barnacle Restaurant.
7. At Wilson Street and harbor (former Garrett Oil) will be a Fishing Bums Marina (rent free 1 year and possible guide co-op ownership) with docking north to G & S Marine (110 Huff St.) and north from G & S to Maddox Street.
8. Maddox Street at harbor land south of Gulf King to be for trawler repair and emergencies (city dock).
9. East Wheeler and Huff Street (former site of Aransas Shrimp Co.) will be Shrimp Depot Diner.
10. AT 224 Allen Blvd. on the Intercoastal Waterway side of harbor will be Anchor Shrimp Company (rebuilt) and corporate offices of The Duke Corp./Heaven's Heroes Foundation.
11. West of Allen Blvd will be Suzy's Quality Seafood main processing plant.
12. 228 Allen Blvd. on ICW side will be Anchor Sea Horn Grill.
13. Former Menard Seafood site on S. Allen Blvd. will be rehabilitated and offered for shrimp boats/bail house to be called Menard's Wharf.

14. One of the harbor amenities he is proposing is a harbor train that will circulate throughout the harbor and in downtown transporting tourist to the harbor

Mr. Eaton stated because of this last Hurricane season the seawall needs to be addressed. The seawall is not going to withstand a Hurricane. All of the timbers are rotting and behind the timber is nothing but sand. To solve that problem he would like to take that time out of there and move the seawall back ten or twelve feet, whatever is necessary, and put a concrete wall up with reinforcement. That will give the City a good seawall.

One of the harbor amenities he is proposing is a harbor train that will circulate throughout the harbor and in downtown transporting tourist to the harbor

SECOND PHASE:

1. North of Allen Blvd. at Stapp Ave. and East to Aransas Marine Ways will be new business shops.
2. West of Allen Blvd., 300 block to Turnbough Ave will be an Aquarium.
3. Former Menard Seafood site will be a seafood museum with a tall ship.
4. NE of Seamen's Memorial Tower will be a hotel
5. Pleasure boat docking will be available at restaurant sites
6. NE of Huff and Bigelow will be Ice House.
7. Across from JBS facility will be a restaurant.

OUTSIDE CONN BROWN HARBOR, WITHIN CITY LIMITS:

THIRD PHASE:

1. East Side of Hwy 35, North of Oak Lane and West of Ave. A will be Visitors Center on 1.5 acres rent-free.
2. East side of Hwy 35, South of Oak Lane and North of Ave. A will be a truck stop.
3. Hwy 361 from Conn Brown Harbor seawall to Corpus Christi Ship Channel, all lands to be cleaned up with picnic and camping areas, fishing piers, bird watching sites, walking trails, dog plan areas, beach combing, and landscaping.
4. Old Wal Mart Building Wheeler Ave.
 - Youth Center with APISD supervision or independent youth boosters, or
 - City Civic Center
5. On East Side of Hwy B 35, West of RR, and North of drainage canal is for a Hotel.
6. On East side of Hwy B.35 from Helena Tank Farm to Conn Brown Harbor and East of PR to ICW will be walkways, bird watching and fishing piers.
7. On Hwy B 35 West between Gile Street and Balhasen Plumbing will be cottages/courts.
8. North corner of Hwy B 35 (commercial Street) between Robe and Gabe's Restaurant and Blossom Ave will be cottages/courts.
9. Corner 840 W. Wheeler and 8th Street will be a seafood market.

FOURTH PHASE:

Urban renewal target zone #1 with boundaries of Hwy. 361 to the South, Commercial Street to the West, drainage canal near East Stapp Street to the North, and the Conn Brown Harbor seawall on the East will include: Existing businesses, residences to be respected, rehabilitated, beautified and landscaped if needed, underground utilities, curbed/guttered/sidewalks with hot mix asphalt streets, apartments, homes, hotels, rental condos along Conn Brown Harbor seawall, parks, nature preserves, hike paths, and a canal walk with possible sea gate at East Wheeler and harbor.

FIFTH PHASE:

1. On East side of Hwy B 35 from City By the Sea to Degussa Plant on ICW will be Rockpass Sea Fund Park.

2. On West side of Hwy B 35, from Bart's Mobile Home Park to Moore Ave will be Rockpass Sea Fund Park.
3. On East side of Hwy B 35 from Degussa Plant to Helena Tank Farm, and along ICW will be Rockpass Sea Fund Park

Mr. Eaton stated everything that he has presented tonight is unique in it's own way to attract people to come to Aransas Pass Harbor. This is just the start for him. He plans to do Urban Renewal through out the whole town. The shrimping industry is in his blood and that is where he wants to start.

Mr. Eaton thanked the Council for their time.

Mayor Pro Tempore Roberts thanked Mr. Eaton for his excellent presentation and for his dream.

ITEM 15.

PRESENTATION BY MR. STAN JOHNSON, MARINAS INTERNATIONAL TO PRESENT CONCEPTS AND PLANS FOR DEVELOPMENT OF CONN BROWN HARBOR.

Mr. Stan Johnson, Marinas International submitted a letter stating he would not be submitting a proposal for the Harbor Marina Project.

No Action needed.

ITEM 6.

CONSIDER AND ACT ON COMMUNITY WIDE TRASH PARADE FOR FEBRUARY OR MARCH, 2006.

Mr. Richard Gonzales stated he would like to have a trash parade on February 18, 2006, which is also the Winter Beach Clean-up Day for the General Land Office. In September, 2005 he was before the Council on the Adopt of Beach Clean up for the Lighthouse Lakes Trail Park, which was cancelled because of Hurricane Rita.

The plan is to assemble at the McCampbell Park and parade down N. McCampbell drawing attention to the City Citizens Collection Center. Hopefully the collection center will help households change their attitudes on how they handle large debris.

The Science and Spanish Clubs of A. C. Blunt Middle School will be marching in the parade and try to recruit community organizations and other interested individuals to join in the parade of trash. At the conclusion of the parade they will proceed to have a lunch break and then to the Lighthouse Lakes Trails Park to fulfill their obligation to the GLO Adopt-A-Beach program.

Mayor Pro Tempore Roberts made the motion to approve the Trash Parade on February 18, 2005 for the Science and Spanish Clubs from the A. C. Blunt Middle School. There was a second by Councilmember Chapa and the motion carried.

ITEM 12.

RECESS REGULAR MEETING AND RETIRE TO EXECUTIVE SESSION PURSUANT TO CHAPTER 551 OF TEXAS GOVERNMENT CODE.

Section 551.074 – Personnel Matters – Municipal Court Judges

Recessed into Executive Session at 8:19 p.m

ITEM 13.

RECONVENE IN REGULAR MEETING AND CONSIDER AND ACT ON FINDINGS OF EXECUTIVE SESSION.

Reconvened at 8.43 p.m.

Section 551.074 – Personnel Matters – Municipal Court Judges

Councilmember Attaway stated at the request of Judge Mike Sullinger, Judge Sullinger will become the Alternate Municipal Court Judge and Alternate Municipal Court Judge Peggy Spence will become the Chief Presiding Municipal Court Judge. The compensation will remain as what is in the budget with the Presiding Municipal Judge receiving the pay salary for Presiding Municipal Judge and Alternate Judge Sullinger will receive the Alternate Judge Salary \$1,000.00 plus his insurance, which the City has been paying. This is subject to review in March,

2006. There was a second by Councilmember Hametner and the motion carried.

Mayor Galvan introduced the new Assistant City Manager Gretchen Black.

ITEM 22.

ADJOURNMENT OF MEETING.

Mayor Galvan adjourned the meeting at 8:45 p.m.

Jesus Galvan Mayor

ATTEST:

Karen Mayer, City Secretary